

OFFICE OF
THE COUNTY CLERK
COUNTY OF KAUAI

NOTICE OF PUBLICATION AND NOTICE OF PUBLIC HEARING

Notice is hereby given that the Council of the County of Kaua'i will hold a public hearing on Wednesday, April 25, 2018, at 1:30 p.m., or soon thereafter, at the Council Chambers, 4396 Rice Street, Room 201, Historic County Building, Līhu'e, on the following:

Bill No. 2701

A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. B-2017-821, AS AMENDED, RELATING TO THE OPERATING BUDGET OF THE COUNTY OF KAUAI, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2017 THROUGH JUNE 30, 2018, BY REVISING THE AMOUNTS ESTIMATED IN THE PUBLIC ACCESS, OPEN SPACE, NATURAL RESOURCES PRESERVATION FUND (*Hanalei Coastal Property Acquisition (Operating Budget) – \$5,600,000.00*)

The purpose of this Bill is to amend Ordinance No. B-2017-821, as amended, relating to the Operating Budget of the County of Kaua'i, State of Hawai'i, for the Fiscal Year July 1, 2017 through June 30, 2018, by revising the amounts estimated in the Public Access, Open Space, Natural Resources Preservation Fund and transferring \$5,600,000.00 from Account No. 240-0000-272.00-00 to the newly created fund titled Public Access, Open Space, Natural Resources Preservation Fund-CIP (Account No. 240-0000-261.07-00).

Bill No. 2702

A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. B-2017-822, AS AMENDED, RELATING TO THE CAPITAL BUDGET OF THE COUNTY OF KAUAI, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2017 THROUGH JUNE 30, 2018, BY REVISING THE AMOUNTS ESTIMATED IN THE PUBLIC ACCESS, OPEN SPACE, NATURAL RESOURCES PRESERVATION FUND – CIP (*Hanalei Coastal Property Acquisition (CIP Budget) – \$5,600,000.00*)

The purpose of this Bill is to amend Ordinance No. B-2017-822, as amended, relating to the Capital Improvements Projects (CIP) Budget of the County of Kaua'i, State of Hawai'i, for the Fiscal Year July 1, 2017 through June 30, 2018, by revising the amounts estimated in the Public Access, Open Space, Natural Resources Preservation Fund-CIP.

This Bill appropriates \$5,600,000.00 from said Fund for the purchase of "Hanalei Coastal Property" containing approximately 3.02 acres and being a portion of Lot 127, and currently identified as Lot 155 of Land Court Application as shown on Map 26, as was approved and authorized by the Planning Commission of the County of Kaua'i in Subdivision Application No. S-87-20, and recertified by said Commission on October 14, 2014.

All interested persons who wish to present their comments may do so at the public hearing. Written testimony prior to the hearing would be appreciated. Written testimony can be submitted to the Office of the County Clerk, Council Services Division by mail, facsimile, or via E-mail to counciltestimony@kauai.gov. Copies of these Bills are available at the Office of the County Clerk, Council Services Division.

(The Council Committee or Council may amend these Bills at its subsequent meetings. Meeting notices are posted at least six (6) days in advance at the County Clerk's Office and the public may also testify at any of these meetings.)

CERTIFICATE OF THE COUNTY CLERK

I hereby certify that the foregoing Bills Nos. 2701 and 2702 were passed on first reading and ordered to print by the Council of the County of Kaua'i at its meeting held on March 28, 2018, by the following vote:

AYES: Brun, Kagawa, Kaneshiro, Yukimura, Rapozo	TOTAL – 5,
NOES: None	TOTAL – 0,
EXCUSED & NOT VOTING: Chock, Kawakami	TOTAL – 2,
RECUSED & NOT VOTING: None	TOTAL – 0.

Līhu'e, Hawai'i
March 29, 2018

/s/ Jade K. Fountain-Tanigawa
County Clerk, County of Kaua'i

NOTE: SPECIAL ACCOMMODATIONS AND SIGN LANGUAGE INTERPRETER AND INTERPRETERS FOR NON-ENGLISH SPEAKING PERSONS ARE AVAILABLE UPON REQUEST FIVE (5) DAYS PRIOR TO THE MEETING DATE, TO THE COUNTY CLERK, 4396 RICE STREET, SUITE 209, LĪHU'E, KAUA'I, HAWAI'I, 96766. TELEPHONE NO. (808) 241-4188. FACSIMILE NO. (808) 241-6349.

(One publication – The Garden Island – April 5, 2018)

**A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. B-2017-821,
AS AMENDED, RELATING TO THE OPERATING BUDGET OF
THE COUNTY OF KAUAI, STATE OF HAWAII, FOR THE FISCAL YEAR
JULY 1, 2017 THROUGH JUNE 30, 2018, BY REVISING THE AMOUNTS
ESTIMATED IN THE PUBLIC ACCESS, OPEN SPACE,
NATURAL RESOURCES PRESERVATION FUND**

BE IT ORDAINED BY THE COUNCIL OF THE COUNTY OF KAUAI, STATE OF HAWAII:

SECTION 1. Findings and purpose. The purpose of this Ordinance is to appropriate funds for the acquisition of a coastal property in Hanalei, Kaua'i, Hawai'i, further identified as Tax Map Key (TMK) No. (4) 5-5-001:002 (por.) (being a portion of Lot 127 of Land Court Application as shown on Map 26), as was approved and authorized by the Planning Commission of the County of Kaua'i in Subdivision Application No. S-87-20 (the "Subdivision"), and recertified by said Commission on October 14, 2014; currently identified as Lot 155 on a map that the parties intend to submit to the Land Court being approximately 3.020 acres (See Attached Map). The Council finds the following:

- a. The subject lot of record is adjacent to the existing expanded County Black Pot Beach Park and the Hanalei River.
- b. There is a demonstrable need to preserve coastal beaches and river areas in the county.
- c. The subject lot of record contributes to the open space and scenic view planes of the surrounding Hanalei area.
- d. The subject lot could provide for additional outdoor recreational and educational opportunities for the surrounding North Kaua'i community.
- e. The subject lot of record has been offered to the County for sale by the owners of the lot for the price of \$5,600,000.00 as part of an agreement to settle longstanding disputes regarding the use of said lot of record including the dismissal of several court cases filed against the County in both State and Federal court.
- f. The cost and process for acquiring the subject lot of record is commensurate to the public interest served.

SECTION 2. That pursuant to Sections 19.07B, 19.10A, and 19.15C (5) of the Charter of the County of Kaua'i, as amended, Ordinance No. B-2017-821, as amended, relating to the Operating Budget of the County of Kaua'i, State of Hawai'i, for the Fiscal Year July 1, 2017 through June 30, 2018, be hereby amended as follows:

The sum of \$5,600,000.00 by revising the amounts estimated in the Public Access, Open Space, Natural Resources Preservation Fund in the following account:

240-0000-272.00-00	Equity / Fund Balance – Assigned	[\$5,600,000.00]
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Be and is hereby appropriated to the newly created fund titled the Public Access, Open Space, Natural Resources Preservation Fund-CIP for the following purpose:

240-0000-261.07-00	Contribution To Public Access, Open Space, Natural Resources Preservation Fund – CIP	\$5,600,000.00
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SECTION 3. This Ordinance shall take effect upon its approval.

Introduced by:



MEL RAPOZO



ROSS KAGAWA

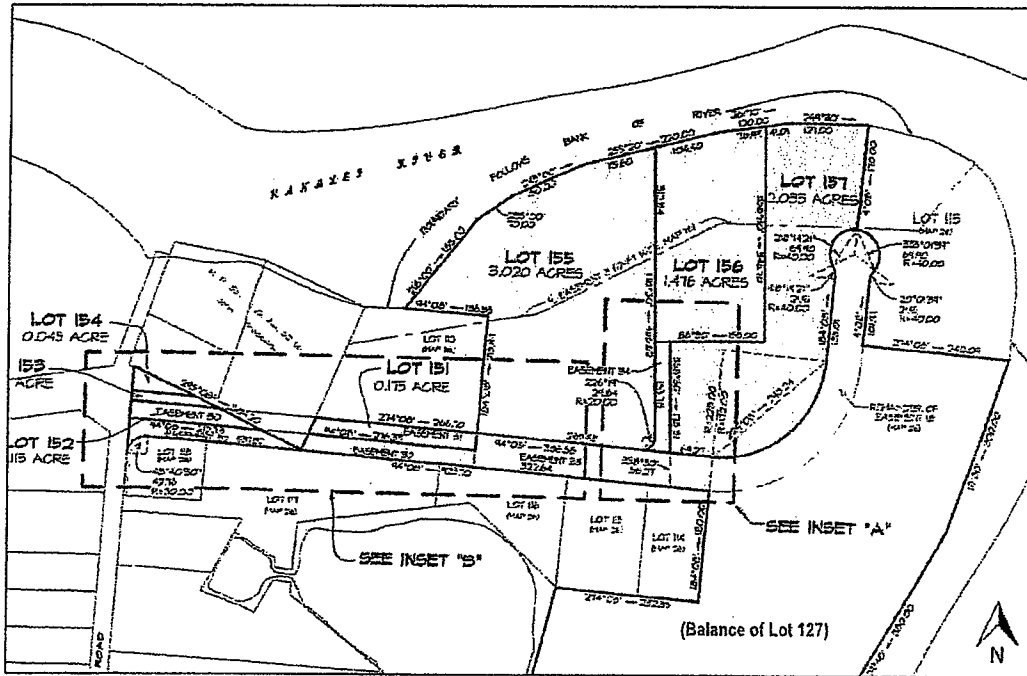
DATE OF INTRODUCTION:

March 28, 2018

Līhu'e, Kaua'i, Hawai'i

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PORTION OF LAND COURT MAP SHOWING LOTS 155, 156 AND 157

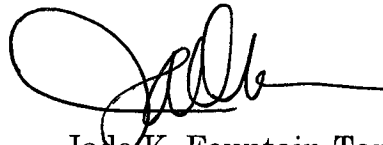


CERTIFICATE OF THE COUNTY CLERK

I hereby certify that heretofore attached is a true and correct copy of Bill No. 2701, which was passed on first reading and ordered to print by the Council of the County of Kaua'i at its meeting held on March 28, 2018, by the following vote:

FOR PASSAGE:	Brun, Kagawa, Kaneshiro, Yukimura, Rapozo	TOTAL – 5,
AGAINST PASSAGE:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	Chock, Kawakami	TOTAL – 2,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Līhu'e, Hawai'i
March 29, 2018



Jade K. Fountain-Tanigawa
County Clerk, County of Kaua'i

ORDINANCE NO. _____

BILL NO. 2702

**A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. B-2017-822,
AS AMENDED, RELATING TO THE CAPITAL BUDGET OF
THE COUNTY OF KAUAI, STATE OF HAWAII, FOR THE FISCAL YEAR
JULY 1, 2017 THROUGH JUNE 30, 2018, BY REVISING THE AMOUNTS
ESTIMATED IN THE PUBLIC ACCESS, OPEN SPACE,
NATURAL RESOURCES PRESERVATION FUND – CIP**

BE IT ORDAINED BY THE COUNCIL OF THE COUNTY OF KAUAI, STATE OF HAWAII:


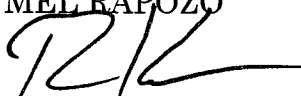
SECTION 1. That pursuant to Sections 19.07B and 19.10A of the Charter of the County of Kauai, as amended, Ordinance No. B-2017-822, as amended, relating to the Capital Budget of the County of Kauai, State of Hawaii, for the Fiscal Year July 1, 2017 through June 30, 2018, be hereby amended as follows:

The sum of \$5,600,000.00 by revising the amounts estimated in the newly created fund titled, the Public Access, Open Space, Natural Resources Preservation Fund – CIP, be and is hereby appropriated for the following purpose:

<u>To purchase property containing approximately 3.02 acres and being a portion of Lot 127, and currently identified as lot 155, of Land Court Application as shown on Map 26, as was approved and authorized by the Planning Commission of the County of Kauai in Subdivision Application No. S-87-20 (the "Subdivision"), and recertified by said Commission on October 14, 2014</u>	<u>*NEW*</u>	<u>\$5,600,000.00</u>
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SECTION 2. This Ordinance shall take effect upon its approval.

Introduced by:


MEL RAPOZO

ROSS KAGAWA

DATE OF INTRODUCTION:

March 28, 2018

Lihu'e, Kauai, Hawaii

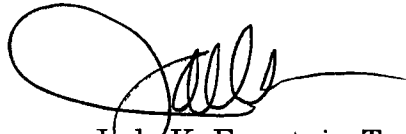
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CERTIFICATE OF THE COUNTY CLERK

I hereby certify that heretofore attached is a true and correct copy of Bill No. 2702, which was passed on first reading and ordered to print by the Council of the County of Kaua'i at its meeting held on March 28, 2018, by the following vote:

FOR PASSAGE:	Brun, Kagawa, Kaneshiro, Yukimura, Rapozo	TOTAL – 5,
AGAINST PASSAGE:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	Chock, Kawakami	TOTAL – 2,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Lihu'e, Hawai'i
March 29, 2018



Jade K. Fountain-Tanigawa
County Clerk, County of Kaua'i